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BY EMAIL ONLY

Osama Younan
General Manager
Department of Building and Safety
City of Los Angeles
201 N. Figueroa St.
Los Angeles, CA 90012

Re: Proposed Public Benefit Cemetery at 23475 Long Valley Road (Boething Nursery Site) – Inconsistent with A/RA Zoning and LAMC § 14.00
Request for Immediate Closure of Pending Permit Applications No(s). 25020-20000-02216; 25030-10000-07746.

Dear General Manager Younan:

Our office represents the West Valley Environmental Action Fund, a coalition of residents and concerned citizens who oppose the proposed development of a cemetery on the approximately 32-acre property at the northwest corner of Long Valley Road and Valley Circle Boulevard in Woodland Hills (the former Boething Treeland Nursery). We understand that the Department of Building and Safety (“DBS”) is currently processing Permit Application No. 25020-20000-02216 (Plan Check/Job No. B25VN31066) for a “Use of Land” permit to convert the existing tree nursery into a 32.41-acre cemetery. We also understand DBS is processing a related grading permit, Permit Application No. 25030-10000-07746. Notwithstanding the fact that cemetery and funeral uses are prohibited in the site’s A and RA zones, the applicant appears to be attempting to invoke the “Public Benefit” provisions of Los Angeles Municipal Code (“LAMC”) §14.00 to obtain approvals on a by-right basis. This approach is both improper and inconsistent with the Municipal Code, and DBS must act promptly to halt processing of these applications.

We therefore submit this letter to set out the relevant facts and law and to request that DBS immediately close or reject Permit No. 25020-20000-02216 and any related permits premised on the same cemetery entitlement, including Permit No. 25030-10000-07746. The use proposed under these applications is not permitted by the underlying zoning and cannot be approved under LAMC § 14.00. **We request written confirmation within ten (10) business days of the date of this letter that DBS will reject and close these applications.** If the City fails to do so, our client reserves its right to pursue all available administrative appeals and, if necessary, seek immediate judicial relief.

A. A CEMETERY IS PROHIBITED ON THIS A/RA-ZONED SITE AND IS NOT ELIGIBLE FOR BY-RIGHT TREATMENT UNDER LAMC § 14.00.

As an initial matter, it is generally understood that the “Public Benefit” uses specified in LAMC Section 14.00 are afforded a by-right permitting pathway for sites where such uses are not otherwise permitted. That grant, however, includes an important limitation: a Public Benefit use remains prohibited in a zone when it is “restricted to certain zones or locations.” (See LAMC § 14.00(A).) Accordingly, even where a Public Benefit use would otherwise be prohibited by the underlying zone, if that use is also “restricted to certain zones or locations” by LAMC §14.00 itself, it remains a prohibited use. In short, LAMC § 14.00 does not make Public Benefit uses universally permissible in every zone.

Cemeteries are subject to precisely that limitation. The cemetery performance standards require that all buildings on the site be at least 300 feet from any adjoining street, any A or R zoned property, or any residential use. (LAMC § 14.00(A)(1)(a)(1).) Because the project site is zoned entirely A and RA, any new cemetery “main building” or funeral venue would necessarily be located on, and therefore within 300 feet of, A/R-zoned property. A new cemetery with buildings thus cannot satisfy this threshold standard on this site.¹

The applicant may attempt to avoid this result by arguing that the A/R component of the standard functions only as an adjacency-based buffer—i.e., that compliance turns on separation from adjacent A- or R-zoned parcels, such that the zoning of the project site itself is irrelevant. That reading fails. First, the ordinance does not say that the A/R restriction is limited to adjacent parcels. It uses broader language—“any A or R zoned property”—and does not state that cemetery buildings may be placed on A- or R-zoned land so long as they are buffered from neighboring parcels. Read as written, the standard is triggered by the presence of A/R zoning itself, including A/R zoning on the project site. Second, the ordinance’s wording confirms that this is not an adjacency-only rule. The drafters plainly knew how to specify adjacency when they intended it. They required separation from an “adjoining street,” and in the very next performance standard they refer expressly to “adjacent residential properties.” LAMC § 14.00(A)(1)(a)(2). It would make little sense to *imply* an adjacency relationship for A/R zoning when the ordinance elsewhere uses adjacency language expressly.

¹ Even if the applicant could somehow reframe the cemetery standards (it cannot), the project is independently subject to the “Restriction” provisions of LAMC §§ 12.05(B) and 12.07(B). Those sections provide that for any lot designated as Open Space on the applicable land use map, and for any lot shown on the map as having existing lakes, waterways, reservoirs, debris basins, or similar facilities, any otherwise permitted uses require prior approval under LAMC § 12.24.1. The project site appears to fall within these categories. That is an additional, code-based restriction on the location and approval pathway for the proposed use. It therefore also and independently triggers the “unless restricted to certain zones or locations” limitation in LAMC § 14.00(A) and undermines any claim that this proposal may be processed as a ministerial, by-right Public Benefit cemetery.

Third, and decisively, the Department of City Planning’s official Use List confirms this interpretation by identifying the zones where Public Benefit cemeteries may be located and omitting A and R zones entirely. That omission reflects the City’s own understanding that Public Benefit cemeteries remain restricted away from A and R districts.

Cemetery – M2, M3; Public Benefit with performance standards in OS, P, PB, CR, C1, C1.5, C2, C4, C5, CM, MR1, M1, MR2, PF
City of Los Angeles, Citywide List of Uses Permitted in Various Zones, List No. 2, pg. 7.

Finally, the applicant’s proposed funeral “venue” is not permissible under any interpretation of the LAMC. At the center of applicant's proposed cemetery is a proposed new funeral venue building that is intended to operate as a funeral parlor in connection with the proposed cemetery. That use, however, is not subsumed within the Municipal Code’s definition of “Cemetery” as the applicant seems to suggest. Under LAMC § 12.03, a cemetery is land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries only when operated in conjunction with and within the boundary of such cemetery. The definition does not include a funeral home or funeral parlor, which are the uses that involve the assembly spaces for gatherings. Funeral parlors are permitted only by Conditional Use Permit in the C2, C4, C5, CM, or M1 zones, and is identified as a distinct and separate use from columbariums, crematories, mausoleums, and mortuaries in the City's Use List. The applicant therefore cannot lawfully construct or operate a funeral venue/funeral home on this A/RA-zoned site under the base zoning or by invoking LAMC § 14.00

For each of these reasons, the City cannot lawfully process or approve a new cemetery on this site as a Public Benefit use under LAMC § 14.00.

B. EVEN IF LAMC § 14.00 APPLIED (IT DOES NOT), THIS SITE CANNOT SATISFY THE CEMETERY PERFORMANCE STANDARDS.

The applicant may further attempt to argue that a Public Benefit cemetery could still be pursued on an A- or R-zoned parcel if it proposes the cemetery without seeking permits for any "buildings," i.e., a cemetery without a funeral parlor. That position also fails. LAMC § 14.00(A)(1) presupposes a cemetery proposed under this section would be associated with a “main building” to accommodate "sufficient areas for assembly.” It also directs compatibility findings to be considered “particularly with regard to the *main building*.” (Emphasis added.) Accordingly, a cemetery without a main assembly building cannot meet these standards. And a cemetery that includes a main building cannot be processed under Section 14.00 on an A or R zoned site. In any event, the current proposal includes a new funeral “venue” building within the A and R zones, which makes compliance impossible.

Moreover, the site also fails the ordinance’s operational and access expectations. The performance standards require sufficient assembly areas, caution against funeral-related assembly blocking City streets, require access adequate for police and fire, and mandate that

adjoining streets meet City standards for safe ingress and egress. Long Valley Road is a Local Street—Standard with a right-of-way narrower than required. Valley Circle Boulevard is an Avenue I with segments that already operate under constrained conditions. These conditions underscore that the site cannot safely or practically accommodate the scale of assembly uses this proposal would require.

Independent constraints on the property further confirm the point. The Los Angeles County Flood Control District channel and a Metropolitan Water District easement run through the site and significantly restrict feasible building locations, parking, and circulation. When those limitations are overlaid on Section 14.00’s required buffers and access standards, the site cannot meet the cemetery performance standards.

Finally, the site contains numerous protected and significant trees. The applicant’s concept plan indicates removal of multiple protected trees, which would trigger a discretionary Public Works hearing and environmental review under CEQA. That process is independent of zoning, but it confirms that this proposal is not ministerial and cannot be processed as a by-right change-of-use permit under Section 14.00.

C. THE DEPARTMENT MUST REJECT AND CLOSE PERMIT APPLICATION NO(S). 25020-20000-02216 AND 25030-10000-07746.

In summary, DBS does not have authority to process or issue a “Use of Land” permit for a cemetery use that is prohibited by the site’s A and RA zoning and ineligible for approval under LAMC § 14.00. Because the proposed use is legally ineligible at this location, the appropriate action is to reject and close Permit Application No. 25020-20000-02216. The Department should provide written confirmation that the application will be rejected and closed within ten (10) business days of the date of this letter. If the City declines to do so, our client will promptly pursue all available administrative appeals and, if necessary, immediate judicial relief. For these reasons, we respectfully request that DBS immediately reject and close Permit Application No. 25020-20000-02216 and refrain from further processing of any application premised on a cemetery entitlement at this location under LAMC § 14.00 or the base zoning.

We respectfully request confirmation within ten (10) business days that Permit Application Nos. 25020-20000-02216 and 25030-10000-07746 have been closed.

Very truly yours,



DANIEL FREEDMAN for
Jeffer Mangels Butler & Mitchell LLP

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